

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

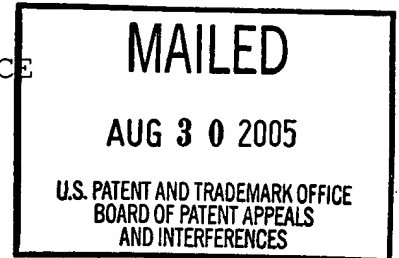
UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte DAVID R. BARSTOW and DANIEL W. BARSTOW  
\_\_\_\_\_

Application No. 09/548,719  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_



This application was received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed a Reply Brief, dated October 27, 2003, and therewith, concurrently filed a Terminal Disclaimer (hereinafter Terminal Disclaimer).

Application No. 09/548,719

It is clear from the record that the examiner did physically acknowledge receipt of the Terminal Disclaimer without giving it any formal consideration.

The Terminal Disclaimer, filed October 27, 2003, should it be considered and accepted, will have a bearing on the rejection as presented in the Examiner's Answer mailed August 26, 2003.

Accordingly, it is

**ORDERED** that the application is returned to the examiner for

1. the examiner to consider the Terminal Disclaimer, dated October 27, 2003 and revise the Examiner's Answer accordingly if the Terminal Disclaimer is accepted;

2. advise appellants in a written communication the status of the Terminal Disclaimer, and

3. for any further action as deemed appropriate.

Application No. 09/548,719

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

CRAIG R. FEINBERG  
Program and Resource Administrator  
(571)272-9797

CRF/dpv

Application No. 09/548,719

Kenyon & Kenyon  
1500 K Street, NW  
Suite 700  
Washington, DC 20005